

Application No. 8

Commission District 10 Community Council 11

APPLICATION SUMMARY

Applicant/Representative: Vanguardian Village L.L.P./Felix M. Lasarte, Esq.

Location: Northeast corner of SW 127 Avenue and SW 104 Street

Total Acreage: 5.37

Current Land Use Plan Map Designation: Estate Density Residential (1 to 2.5 DU/Ac)

Requested Land Use Plan Map Designation: Medium-High Density Residential (25 to 60 DU/Ac)

Amendment Type: Standard

Existing Zoning/Site Condition: GU – Interim

RECOMMENDATIONS

Staff: **DENY, DO NOT TRANSMIT (August 25, 2006)**

West Kendall Community Council: **TO BE DETERMINED**

Planning Advisory Board (PAB) acting as Local Planning Agency: **TO BE DETERMINED**

Board of County Commissioners: **TO BE DETERMINED**

Final Recommendation of PAB acting as Local Planning Agency: **TO BE DETERMINED**

Final Action of Board of County Commissioners: **TO BE DETERMINED**

Staff recommends: **DENY, DO NOT TRANSMIT** the proposed standard Land Use Plan Map amendment based on the Staff Conclusions located at the end of this report and summarized below:

- The proposed Land Use Plan (LUP) map designation, Medium-High Density, allowing a development structure of up to 4 stories in height based on a submitted covenant, is incompatible and not in scale or character with the surrounding neighborhood, which consists of estate homes on one-acre lots, two churches to the east and the single-family subdivisions of Calusa Club Estates, Calusa Club Manor and Devon-Aire Estates to the west, southwest and southeast.
- An FP&L corridor for electrical transmission lines that runs in a north-south direction covers the western 175 feet of the ±296-foot wide subject property. The FP&L customer guidelines for the use of right of way prevents the building of structures or permanent parking under the transmission lines, limiting buildable area and construction of permanent parking to the eastern 120 feet of the property. A warranty deed (Official Records Book 13490 at Pages 3291 through 3294) executed on November 19, 1987, restricts development within the easement to private driveways and sidewalks running in a general east-west direction and that are located at least 40 feet away from all FPL structures and facilities that may be present. Furthermore, the deed states that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced or paved without the written permission of FPL. Thus, development activity is limited to the eastern 120 feet of the property, which is adjacent to three one-acre estate lots with homes in good condition.
- The proposed land use does not satisfy any deficiency in projected multi-family units in the area. Instead it reduces the demand of single family residential, which is projected to be fully absorbed by 2007.

STAFF ANALYSIS

Location and Land Use

The application site is located on the northeast corner of an intersection of two section line roads, SW 127 Avenue and SW 104 Street. The current Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designation is Estate Density Residential (1 to 2.5 DU/Ac). The site is currently being utilized as a retail nursery with the western 175 feet containing overhead electrical transmission lines on a Florida Power & Light (FP&L) Company easement (See Appendix G for photos). The current zoning designation is GU (Interim), where uses depend on the character of the neighborhood; otherwise EU-2 (Estate allowing 1 unit per 5 Acres Gross) is applied. (Although this application is 5.37 acres, it does not meet the criteria for a small-scale plan amendment due to the requested density.)

Adjacent Land Use and Zoning

The FP&L transmission line and easement continues to the north and the south of the application site along the SW 127 Avenue corridor. The surrounding area generally consists of single-family residential. The CDMP LUP designations for the properties directly north and east are Estate Density Residential (1 to 2.5 DU/Ac) and Low Density Residential (2.5 to 5 DU/Ac) for the properties to the south and west. Properties directly north and east of the site are zoned GU and consist of estate density with one home per acre and properties to the northeast are zoned EU-1 (Estates Family 1 acre Gross). West and south is zoned RU-1 (Single-Family Residential 7,500 sq. ft. net) consisting of single-family homes. Zoning of the residential areas to the west decrease in density from the section line road intersection from RU-1 to EU-M (Estates Modified allowing 1 unit per 15,000 sq. ft.), for those homes on a golf course.

Land Use and Zoning History

Four of the application site's 5.37 acres were included in an amendment application submitted in the April 2005 amendment cycle (Application No. 12), which requested the redesignation of Estate Density to Office/Residential. This application was denied by the Board of County Commissioners (BCC) in support of the Department of Planning and Zoning's recommendation that stated: 1) the proposed designation for the application site is not in scale or character with the surrounding neighborhood; 2) no need existed for the office development; and 3) the concurrency level of service on the adjacent roadway was failing.

An FP&L easement corridor for electrical transmission lines that runs in a north-south direction covers the western 175 feet of the ±296-foot wide subject property. The FP&L customer guidelines for the use of right-of-way prevents the building of structures or permanent parking under the transmission lines, limiting buildable area and construction of permanent parking to the eastern 120 feet of the property. A warranty deed (Official

Records Book 13490 at Pages 3291 through 3294) executed on November 19, 1987, restricts development within the easement to private driveways and sidewalks running in a general east-west direction and that are located at least 40 feet away from all FP&L structures and facilities that may be present. Furthermore, the deed states that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced or paved without the written permission of FP&L. Thus, development activity is limited to the eastern 120 feet of the property, which is adjacent to three one-acre estate lots with homes in good condition.

Supply and Demand

Residential Land Analysis

Vacant residential land in the Analysis Area for Application No. 8 (Minor Statistical Area 6.1 and 6.2) in 2006 is estimated to have a capacity for about 6,724 dwelling units, of which about 52 percent is for single-family type units. The annual average demand is projected to decrease from 2,797 units per year in the 2006-2010 period to 524 units per year in the 2015-2020 period. An analysis of the residential capacity, without differentiating by the type of unit, shows absorption occurring in the year 2008. About 96 percent of the projected demand is for single-family type units, and this land is projected to be absorbed by the year 2007. The supply of multi-family land is projected to accommodate demand beyond 2025 (see below table).

Application No. 8 is a standard amendment requesting a redesignation of land use from Estate Density Residential to Medium-High Density Residential. If the application were to be approved, it would have a nominal impact on the depletion for single-family and would slightly extend the depletion year for multi-family type units.

Residential Land Supply/Demand Analysis
2006 to 2025: **Application 8**

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2006	3,894	2,830	6,724
DEMAND 2006-2010	2,669	128	2,797
CAPACITY IN 2010	0	2,318	0
DEMAND 2010-2015	1896	91	1,987
CAPACITY IN 2015	0	1,863	0
DEMAND 2015-2020	501	23	524
CAPACITY IN 2020	0	1,748	0
DEMAND 2020-2025	0	0	0
CAPACITY IN 2025	0	1,748	0
DEPLETION YEAR	2007	>2025	2008

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on proposed population projections.

Source: Miami-Dade Department of Planning and Zoning, Planning Research Section, 2006.

Environmental Considerations

The following information pertains to the environmental conditions of the application site. All YES entries are further described below.

Flood Protection

County Flood Criteria (NGVD)	+7.80 Ft
Stormwater Management	5-year storm
Drainage Basin	C-102
Federal Flood Zone	AH
Hurricane Evacuation Zone	NO

Biological Conditions

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

Other Considerations

Within Wellfield Protection Area	YES
Archaeological/Historical Resources	Information Pending

Specimen Trees

The subject property may contain specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized (trunk diameter \geq 18 inches) trees, as defined in the Code, on the sites. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application.

Wellfield Protection Area

Application No. 8 is within the Alexander Orr, Snapper Creek and Southwest average day pumpage wellfield protection area. Section 24-43(5) of the Code prohibits the approval of any building permits, certificates of use and occupancy, municipal occupational licenses, platting actions or zoning actions for any nonresidential land use which generates, uses, handles, disposes of, discharges or stores hazardous wastes on property located within the average day pumpage wellfield protection area of the Alexander Orr, Snapper Creek and Southwest wellfield complex. Section 24-43(4) of the Code regulates the disposal of wastewater and stormwater on properties located within this wellfield protection area.

Water and Sewer

Water is provided to the site by an existing 16-inch water main along SW 127 Avenue. The source of water is the Miami-Dade Water and Sewer Department's (MDWASD) Alexander Orr Water Treatment Plant, which has a remaining available rated treatment plant capacity of 14.5 million gallons per day. The estimated potential water demand from this application is 64,000 gallons per day. Therefore, the water treatment plant has sufficient capacity to serve the application.

The estimated water flow figures generated above are used solely for the purpose of evaluating the impact of the proposed potential development on the level of service (LOS) of that water treatment facility serving the site and are not used for water supply planning purposes. If this application is approved, the change in land use will not result in an increased demand for water supply above that projected by the County's Water and Sewer Department through the year 2025 utilizing population projections approved by the County and the South Florida Water Management District. MDWASD is currently assembling alternative water supply projects that will be used to meet the future water supply demand of Miami-Dade County. It is anticipated that these projects will be identified and adopted into the CDMP 10 Year Water Supply Plan by March 2008.

Sanitary sewer is provided to the site by an abutting 8-inch gravity main located approximately 100 feet north of the properties along SW 127 Avenue. All impacted pump stations are operating within their mandated criteria. Treatment is provided at the South District Treatment Plant, which has a remaining available design capacity of approximately 17.2 million gallons per day. The estimated potential sewage flow generated by this application is 64,000 gallons per day. Therefore, the wastewater treatment plant has sufficient capacity to serve this application.

Solid Waste

This application lies within the Department of Solid Waste Management's (DSWM) waste service area for garbage and trash collections. The closest DSWM facility serving Application No. 8 is the Sunset Kendall Trash and Recycling Center (8000 SW 107 Avenue), which is approximately 4 miles away. The impact on collection services is minimal.

Parks

The nearest park site to Application No. 8 is Devon-Aire Park, a Community Park of 12 acres, which is located at 10400 SW 122 Avenue, less than 1 mile east of the application site.

Application No. 8 is located in Park Benefit District 2 (PBD 2), which has a surplus capacity of 639.57 acres when measured by the County's concurrency level of service standard. The impact of Application No. 8 will increase the potential population in PBD 2

by 632. Approval of this application would decrease available reserve capacity by 3.068 acres.

Public Schools

The applicant has proffered a covenant restricting the use of the property for the sole purpose of providing an affordable senior housing development for elderly residents. Therefore if approved, Application No. 8 will have no impact on public school services.

Roadways

Existing Conditions

Two roadways provide access to the application site, SW 104 Street (Killian Parkway), a six-lane east-west arterial, and SW 127 Avenue, a two-lane north-south arterial. Such corridors provide connection to other major corridors such as SW 137 Avenue, SR 874, and U.S. 1, and SW 88 Street, which provide accessibility to other portions of the county.

The Traffic Impact Analysis Table, below, shows the current operating Level of Service (LOS) traffic conditions on SW 88 Street, SW 104 Street, and SW 127 Avenue in the vicinity of the application site. The roadway segment of SW 88 Street between SW 152 Avenue and SW 127 Avenue is operating at LOS E+6%, and the segment from SW 127 Avenue to SW 117 Avenue is operating at LOS D, above the adopted LOS E+20% standard applicable to this corridor. The roadway segments of SW 104 Street from SW 137 Avenue to SW 117 Avenue are operating at LOS C or better. The roadway segment of SW 127 Avenue between SW 88 Street and SW 104 Street is currently operating at LOS F, thus violating the adopted LOS D standard applicable to this roadway segment. However, the County's adopted 2007 Transportation Improvement Program (TIP) lists the widening from two to four lanes of SW 127 Avenue from SW 88 Street to SW 104 Street in fiscal year 2006-2007 (see the below table). Once this improvement is completed the operating conditions of this roadway segment will improve to LOS B.

Programmed Road Capacity Improvements
Fiscal Years 2007-2011

Roadway	From	To	Type of Improvement	Fiscal Year
SW 104 Street	SW 147 Avenue	SW 137 Avenue	Widening: 4 to 6 lanes	2006 - 2007
SW 127 Avenue	SW 88 Street	SW 120 Street	Widen to 4 lanes with median, sales and	2006-2007

Source: Miami-Dade Transportation Improvement Program 2007-2011, Metropolitan Planning Organization, June 2006.

CDMP Amendment Application No. 8
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
1080	SW 88 St. (SR 94)	SW 152 Ave to SW 127 Ave	6 DV	E+20%	5904	3822	D	1397	E+6%	8	6748	E+6% (04)
62	SW 88 St. (SR 94)	SW 127 Ave to SW 117 Ave	8 DV	E+20%	9140	5601	D	569	D	27	6197	D (04)
9782	SW 127 Ave	SW 88 St to SW 104 St	2 (4) ¹	D	3390	1501	F (B) ¹	12	F (B) ¹	68	1581	F (04) (B) ¹
9784	SW 127 Ave	SW 104 St to SW 120 St	2	D	1510	846	C	213	D	25	1084	D (04)
9720	SW 104 St	SW 137 Ave to SW 127 Ave	6 DV	E+20%	7860	4117	C	75	C	16	4208	C (04)
9718	SW 104 St	SW 127 Ave to SW 117 Ave	6 DV	E+20%	7540	5980	B	104	B	43	6127	B (04)

Source: Miami-Dade County Department of Planning and Zoning, Miami-Dade Public Works Department, and Florida Department of Transportation, July 2006.

Notes: DV= Divided Roadway, UD= Undivided Roadway, LA Limited Access

(UIA) means those roadways located inside the County's Urban Infill Area, a designated transportation concurrency exception

*County adopted roadway level of service standard applicable to roadway segment

¹ When the subject roadway segment is widened from 2 to 4 lanes in Fiscal Years 2006-2007, its operating and concurrency LOS are projected to improve to LOS B

The LOS is represented by one of the letters “A” through “F”, with “A” generally representing the most favorable driving conditions and “F” representing the least favorable.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of June 22, 2006, which considers reserved trips from approved development not yet constructed and programmed roadway capacity improvement, indicates that the concurrency levels of service of the roadways in the vicinity of the application site will not exceed the adopted LOS standards applicable to the roadway segments. See Traffic Impact Analysis Table above.

Application Impact

The table below identifies the estimated number of PM peak hour trips to be generated by the proposed development under the requested land use designation (Medium-High Density Residential) and compares them to the trips estimated to be generated by the potential development that could occur under the current CDMP land use designation (Estate Density Residential). Application No. 8, if developed with multifamily housing, would generate approximately 98 more PM peak hour trips than under the current CDMP land use designation.

Application Number	Estimated Peak Hour Trip Generation By Current CDMP and Requested Use Designations		
	Assumed Use For Current CDMP Designation/ Estimated No. of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
8	Estate Density Residential - (1 to 2.5 DUs/Acre) 13 Single Family Units/	Medium-High Density Resid. (25 to 60 DUs/Acre) 322 Multifamily Apts.	
	17	115	+ 98

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003.

The roadway sections adjacent to and in the immediate vicinity of the application site are currently operating at acceptable LOS, except the segment of SW 127 Avenue between SW 88 and SW 104 Streets, which is operating at LOS F. Traffic concurrency analyses indicate that all roadways in the vicinity of the application site are predicted to operate at acceptable LOS, above the adopted LOS D and E+20% standards applicable to the roadway segments.

Transit

Existing Service

Two Metrobus routes, Routes 104 and 204 (Killian KAT), service the application site. The table below shows the existing service frequency for these routes in summary form.

Application No. 8 Metrobus Route Service						
Route	Peak	Headways (in minutes)			Stop Locations	Type of Service
		Off-Peak	Saturday	Sunday		
104	30	30	30	30	SW 104 St and SW 127 Ave	L/F (Dadeland North Station)
204 Killian KAT	6	30	45	45	SW 104 St and SW 127 Ave	L/F (Dadeland North Station)

Source: 2006 Transit Development Program, May 2006; Miami-Dade Transit

Notes: L means local service route

F means feeder service to Metrorail

Future Conditions

Miami-Dade Transit (MDT) has plans to expand Routes 104 and 204 westward to a future West Kendall Terminal, to be located in the vicinity of SW 88 Street and SW 167 Avenue. Additionally the peak headway of Route 104 will be improved from 30 to 20 minutes, during weekdays.

Also, MDT is proposing the creation of a new route, Route 127. This new route would provide weekday local service to the west Kendall area primarily along SW 122 and 127 Avenues, extending from SW 120 Street northward to the Dolphin Mall, located at NW 12 Street and NW 112 Avenue. Weekday peak and off-peak headways are planned every 30 minutes, and 60-minute headways on weekend.

A trip generation analysis performed for this application indicates that no changes beyond those already planned for the existing and planned bus routes are warranted.

Other Planning Considerations

The applicant has proffered a covenant restricting the use of the property for the sole purpose of providing an affordable senior housing development for elderly residents as well as restricting the height limitations to no more than 4 stories in height. See Appendix F for the Proposed Declaration of Restrictions.

STAFF CONCLUSIONS

The Department of Planning and Zoning recommends: **DENY, DO NOT TRANSMIT** the proposed standard Land Use Plan (LUP) map amendment to redesignate the subject property from "Estate Density Residential Communities" (1 to 2.5 DU/Ac) to "Medium-High Density Residential Communities"(25 to 60 DU/Ac) based on the following considerations:

1. The proposed Land Use Plan (LUP) map designation for the application site is incompatible and not in scale or character with the surrounding neighborhood, which consists of estate homes on one-acre lots, two churches to the east and the single-family subdivisions of Calusa Club Estates, Calusa Club Manor and Devon-Aire Estates to the west, southwest and southeast. An FP&L corridor for electrical transmission lines that runs in a north-south direction covers the western 175 feet of the ±296-foot wide subject property. The FP&L customer guidelines for the use of right of way prevents the building of structures or permanent parking under the transmission lines, limiting buildable area and construction of permanent parking to the eastern 120 feet of the property. A warranty deed (Official Records Book 13490 at Pages 3291 through 3294) executed on November 19, 1987, restricts development within the easement to private driveways and sidewalks running in a general east-west direction and that are located at least 40 feet away from all FPL structures and facilities that may be present. Furthermore, the deed states that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced or paved without the written permission of FPL. Thus, development activity is limited to the eastern 120 feet of the property, which is adjacent to three one-acre estate lots with homes in good condition.

The applicant has proffered a covenant restricting the use of the property for the sole purpose of providing an affordable senior housing development for elderly residents as well as restricting the height limitations to no more than 4 stories in height. The proposed LUP map redesignation of Medium-High Density that would allow multi-family structures of up to 4 stories in height would result in excessive density in an established residential neighborhood of detached single-family homes on estate and standard lots.

2. No need exists for additional multi-family residential land in this area. Minor Statistical Area (MSA) 6.1 and 6.2, which make up the study area for the application site, contain a supply of multi-family land that is projected to accommodate the demand beyond 2025. About 96% of the residential land demand in this area is for single-family homes, a CDMP LUP designation that these properties currently hold as Estate Density Residential (1 to 2.5 DU/Ac). Changing the future land use designation would slightly extend the depletion year for multi-family type units while decreasing the available capacity for single-family

residential type units. The proposed LUP map designation does not satisfy a deficiency in projected population or economic growth of the County. Instead it reduces the demand of single family residential, which is projected to be fully absorbed by 2007.

3. In general, adequate public services exist for the application site. The proposed Medium-High Density Residential use will impact traffic on SW 127 Avenue between SW 88 and 104 Streets, which currently has a Level of Service (LOS) of "F". The LOS is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable. With the application, traffic is expected to deteriorate further on this roadway. However, SW 127 Avenue is programmed to widen in fiscal year 2007 and 2008 from 2 to 4 lanes, which would increase the roadway to a B LOS.
4. The CDMP encourages transit-oriented development that is located within a ¼ mile of a bus stop for a route, which has a headway of 20 minutes during peak periods. Metrobus Route 204 (Killian KAT), which stops just in front of the application site at SW 127 Avenue and SW 104 Street, does operate at this frequency during peak periods. The proposed redesignation to the Land Use Plan map, "Medium-High Density Residential Communities" can be supportive of transit ridership.
5. The application site has limited impact on environmental or historic resources. The site is subject to tree and wellfield protection regulations.

Consistency Review With CDMP Goals, Objectives, Policies and Concepts

The following CDMP goals, objectives, policies and concepts will be enhanced if the proposed redesignation were approved:

- Policy LU-8E: v) Promotes transit ridership
- Housing Goal 1: Provision of affordable housing

The following CDMP goals, objectives, policies and concepts will be impeded if the proposed redesignation were approved:

- Policy LU-4A: Factors to evaluate compatibility among proximate land uses.
- Policy LU-4B: Uses protected from encroachment by residential uses.
- Policy LU-4C: Neighborhoods protected from disrupted or degrading.
- Policy LU-4D: Potentially incompatible uses permitted with design.
- Policy LU-8E: CDMP Applications amendments evaluated for i) Satisfy deficiency projected population; ii) Enhance LOS Standards; iii) Compatible with abutting and nearby land uses and protect the character of established neighborhoods.

APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Applicant's Traffic Study

Appendix E Fiscal Impact Analysis

Appendix F Proposed Declaration of Restrictions

Appendix G Photos of Site and Surroundings (from site visit)

APPENDIX A

Map Series

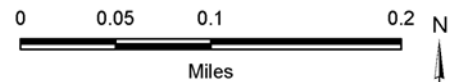
AERIAL PHOTO: APPLICATION NO. 8



2006 AERIAL

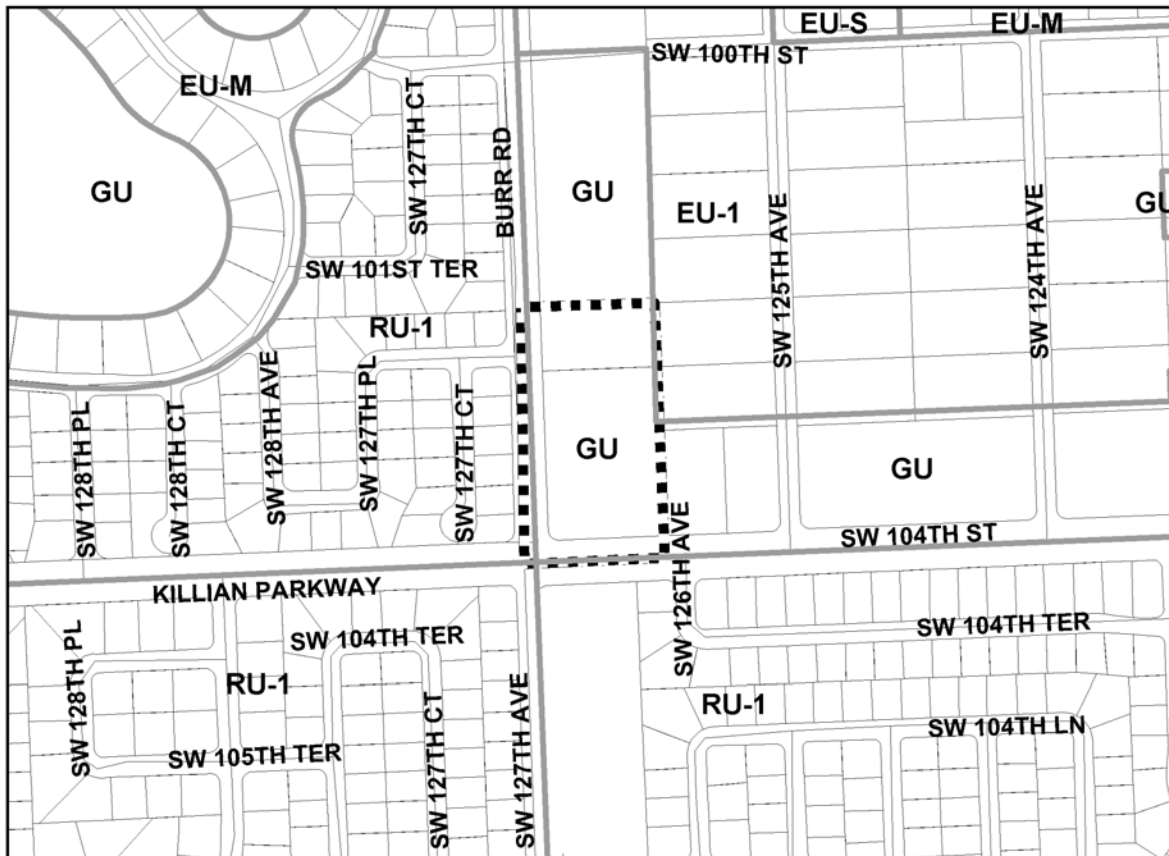


APPLICATION AREA



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF
PLANNING AND ZONING, JULY 2006

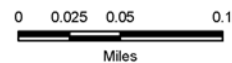
APPLICATION NO. 8 CURRENT ZONING MAP



APPLICATION AREA

MIAMI-DADE ZONING DISTRICTS

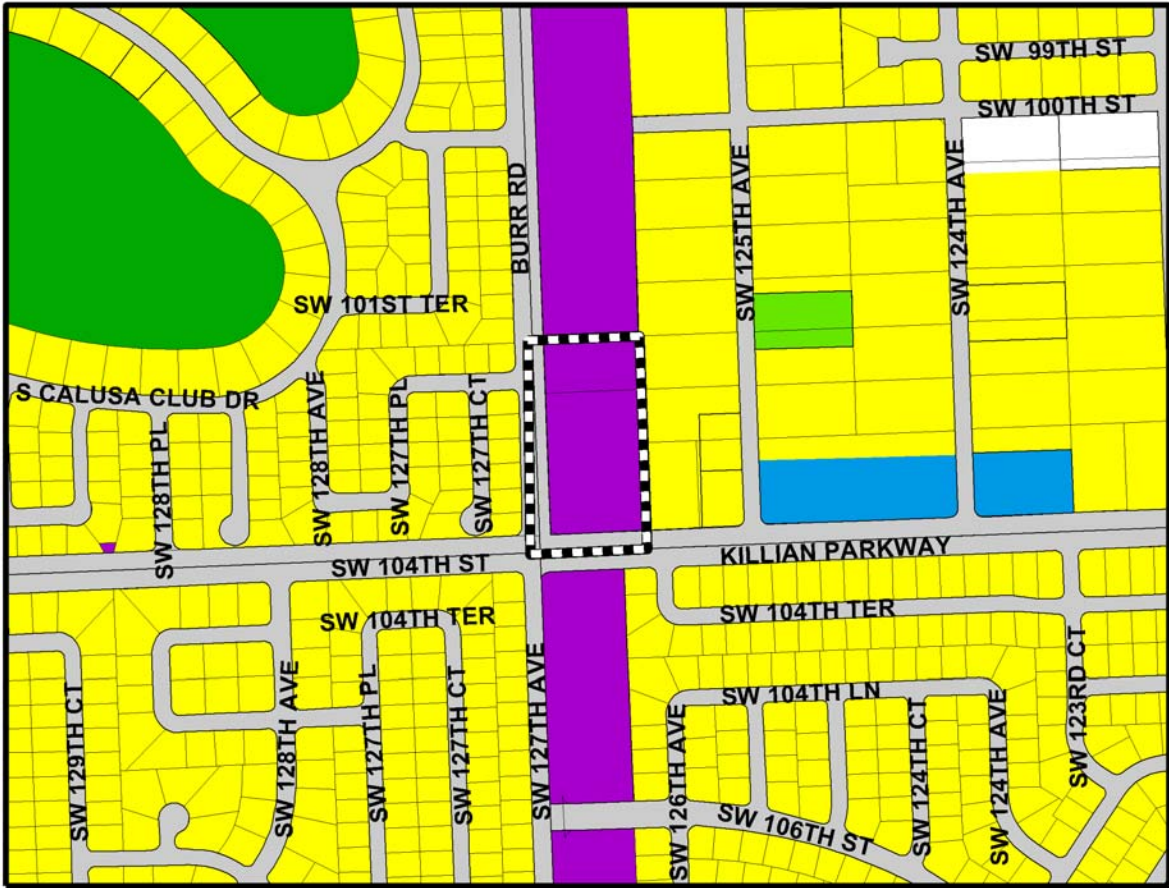
GU	INTERIM - USES DEPEND ON CHARACTER OF NEIGHBORHOOD, OTHERWISE EU-2 STANDARDS APPLY
EU-1	ESTATES 1 FAMILY 1 ACRE GROSS
EU-M	ESTATES MOD.1 FAMILY 15,000 SQ.FT. NET
EU-S	ESTATES SUB. 1 FAMILY 25,000 SQ. FT GROSS
RU-1	SINGLE FAMILY RESIDENTIAL 7,500 SQ. FT. NET



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



APPLICATION NO. 8 EXISTING LAND USE



LEGEND



APPLICATION AREA

EXISTING LAND USE



SINGLE-FAMILY



INSTITUTIONAL



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



AGRICULTURE



PARKS, PRESERVES, CONSERVATION AREAS



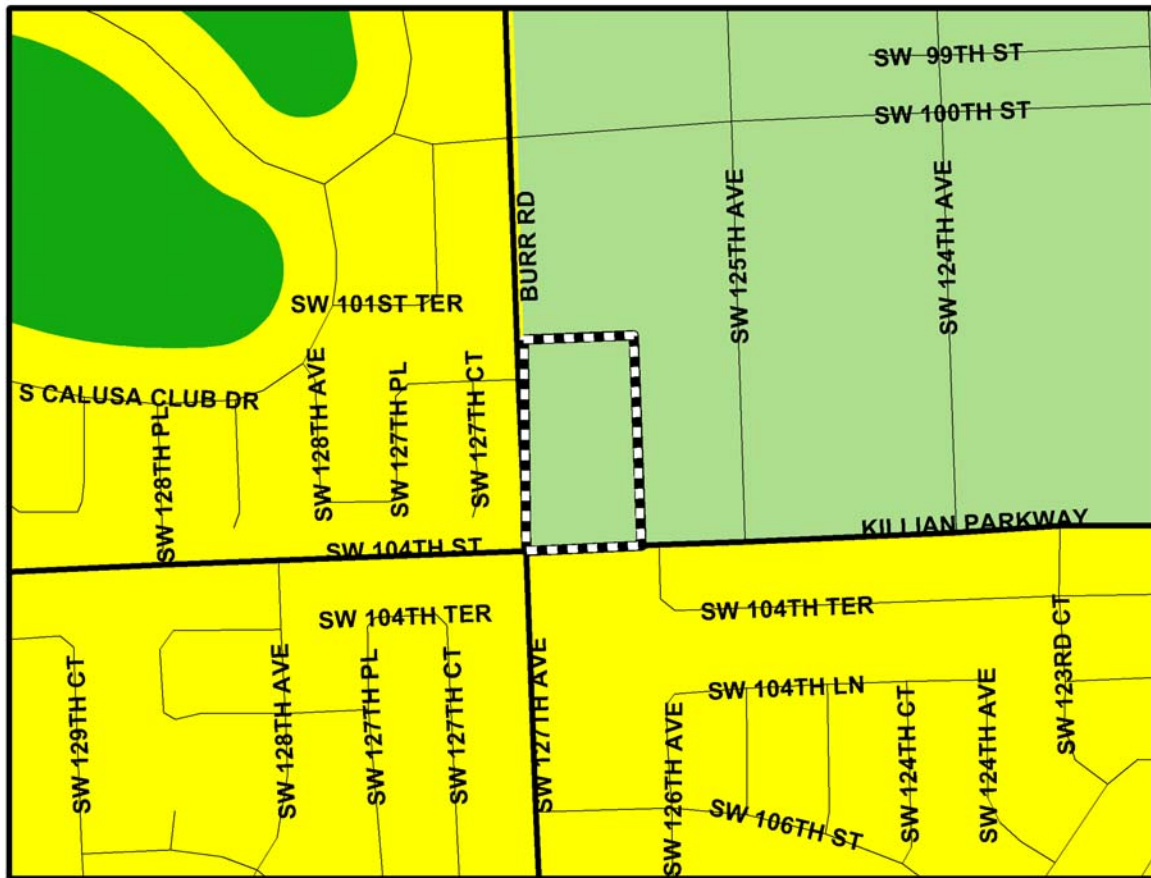
VACANT UNPROTECTED



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



APPLICATION NO. 8 CDMP LAND USE PLAN



LEGEND



APPLICATION AREA

CDMP LAND USE

RESIDENTIAL COMMUNITIES



ESTATE DENSITY RESIDENTIAL (EDR) 1 TO 2.5 DU/AC



LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC



PARKS AND RECREATION



MAJOR ROADWAYS (3 OR MORE LANES)

NOTE: This figure is a graphic representation drawn at a different scale than the Official Adopted 2015 and 2025 Land Use Plan (LUP) map, which was adopted at a scale of one inch to a mile. The LUP map with subsequent adopted amendments, governs where this figure differs.



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT
OF PLANNING AND ZONING, AUGUST 2006



APPENDIX B

Amendment Application

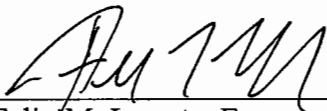
**APPLICATION FOR AN AMENDMENT TO THE LAND USE PLAN MAP
OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

Vanguardian Village, LLP.
10511 North Kendall Drive, Suite C205
Miami, Florida 33176

2. APPLICANT'S REPRESENTATIVE

Felix M. Lasarte, Esq.
Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
(305) 789-7580

By: 
Felix M. Lasarte, Esq.

5-1-06
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Land Use Plan map is requested. The Applicant is requesting a change in the property's designation from "Estate Density Residential" (1 to 2.5 DU/Ac.) to "Medium-High Density Residential" (25-60 DU/Ac.).

B. Description of Subject Area.

The property subject to this application request consists of approximately 4.0 net acres of land located in Section 01, Township 55, Range 39, in unincorporated Miami-Dade County, Florida. This subject area is situated on the northeast corner of SW 127 Avenue and SW 104 Street and is more specifically described in Exhibit "A" to this application (the "Property"). The Property is bordered by 1 acre estate residential to the East and an FPL high tension wire easement on the Western portion of the property.

C. Acreage.

Subject application area: 4.0 acres (net)

Acreage owned by applicants: 4.0 acres (net)

D. Requested Changes.

1. It is requested that the Property be redesignated on the Land Use Plan map from "Estate Density Residential" to "Medium-High Density Residential."

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation from "Estate Density Residential" to "Medium-High Density Residential" of the Property subject to this application. The applicant intends to develop an affordable senior housing development and will provide a covenant limiting the property to this use. The Property is situated on the northeast corner of SW 127 Avenue and SW 104 Street and is currently zoned GU. The subject property consists of 4 acres, however approximately 2 to 2-1/2 acres are buildable because of a FPL high tension easement running along the western portion of the property. The Property to the east of SW 127th Avenue and north of SW 104th Street is designated "Low Density Residential," while the area to the north of SW 104th Street and east of theoretical SW 126th Avenue is designated "Estate Density Residential."

The Property is located at the intersection of two section line roads. A section line road is an appropriate place for a "Medium-High Density Residential" development as it would keep the increased traffic on major roadways as opposed to arterial roadways. The elderly residents will also have access to public transportation. These major roadways would allow for ease of access and divert the traffic away from the "Low Density Residential" neighborhoods to the west of SW 127th Avenue. Locating "Medium-High Density Residential," which serves as a focal point of activity, along major roadways would encourage transit and pedestrian mobility. This development would support the Guidelines for Urban Form that encourage a variety of residential types and densities, with higher densities being located at the periphery, and lower densities in the interior.

The CDMP Land Use Plan has allocated those areas located at intersections of section line roads as focal points of activity; activity nodes. *Comprehensive Development Master Plan, as Amended through 2001*, Pg. I-21(4). The CDMP calls for higher density residential uses to be located at or near the activity nodes at the intersection of section line roads. A "Medium-High Density" residential development would support the CDMP's Guideline for Urban Form and serve as a good transitional use between the estate homes and FPL high tension wires.

Based on the foregoing, the Applicant believes that the approval of this application would be prudent community planning at the appropriate time. Accordingly, approval of the requested amendment would further the implementation of the following CDMP goals, objectives and policies:

LAND USE OBJECTIVE ONE: The application is consistent with Objective One of the Land Use Element which states that the "location and configuration of Miami-Dade County's urban growth through the year 2015 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted rather than sprawl." Here the approval of the application would constitute a contiguous urban expansion since it is surrounded on all sides by an already urban neighborhood.

LAND USE ELEMENT POLICY 1G: The application is also consistent with Policy 1G of the Land Use Element which states that Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities.

ITEM 115 HOUSING VARIETIES: Residential communities having a variety of housing types, such as standards single-family detached homes, townhouse, other single-family attached homes, and multi-family units, are encouraged by this plan. Toward this end, all new residential developments should include housing types which will contribute to the diversity of housing types in the immediate area. It is especially important to mix townhouses with single-family detached and the former with multi-family units. Multi-family buildings should offer a variety of sizes ranging from efficiency units through two and three bedroom apartments, see Amendment No.1 Page 55 of Staff Applications October 2004 Cycle Applications to Amend the CDMP.

HOUSING ELEMENT POLICY 2(A): Distribute very low, low- and moderate-income housing in all geographic areas of the County...

HOUSING ELEMENT POLICY 2(C): Foster a diversity of affordable housing types with areas defined by the County's Comprehensive Development Master Plan...

HOUSING ELEMENT POLICY 9(A): Support housing construction and rehabilitation in the County that provides for the needs of the **elderly**...

HOUSING ELEMENT POLICY 9(C): Continue to provide housing opportunities for the County's homeless, **elderly**, and disabled...

5. ADDITIONAL MATERIAL SUBMITTED

Additional information may be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Description - Exhibit "A"
Disclosure of Interest Form - Exhibit "B"
Location Map for Application - Exhibit "C"
Aerial Photograph – Exhibit "D"

Exhibit "C"

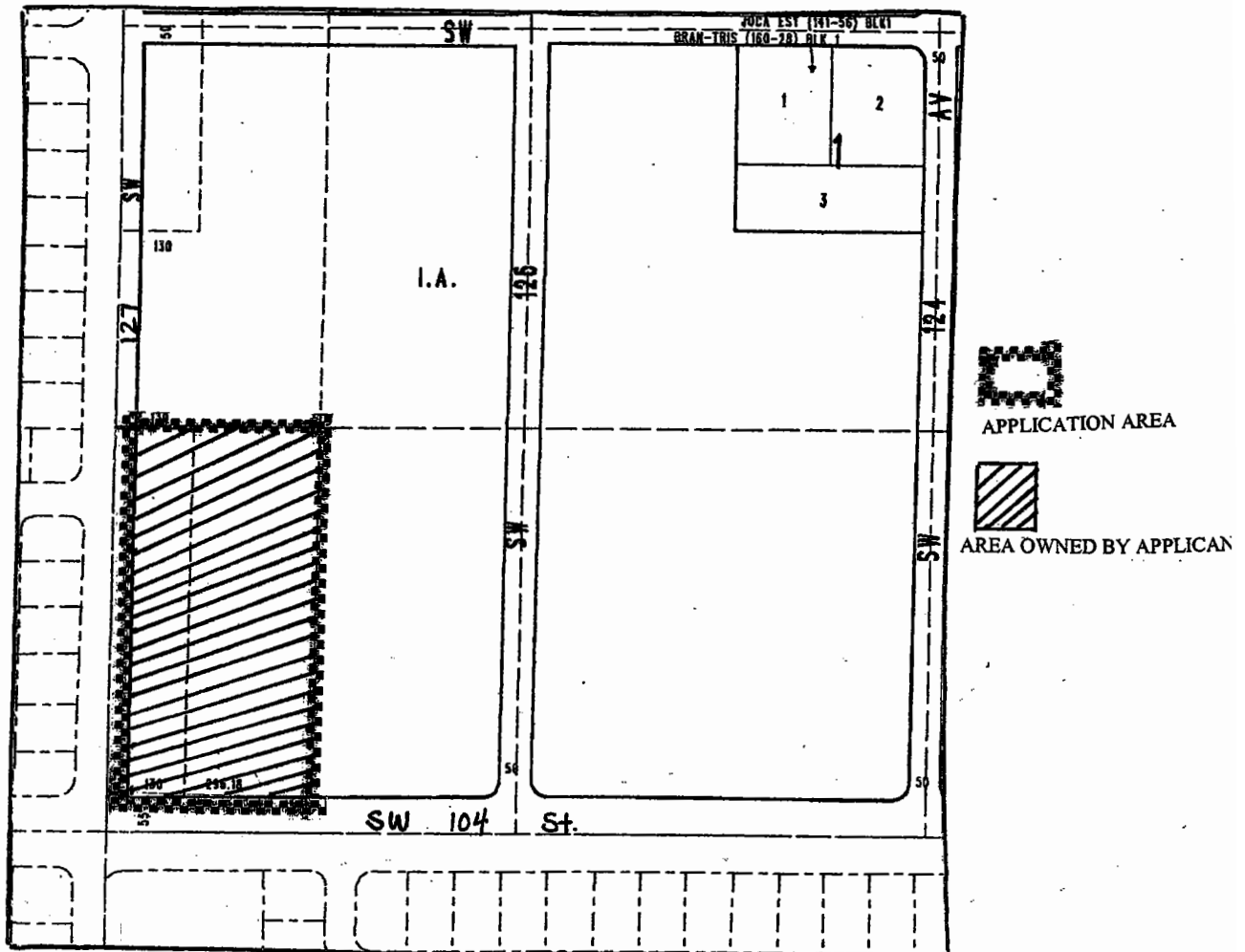
**LOCATION MAP FOR APPLICATION
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT/REPRESENTATIVE:

Vanguardian Village, LLP.
10511 North Kendall Drive, Suite C205
Miami, Florida 33176
c/o Felix M. Lasarte, Esq.
Holland & Knight, LLP.
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

DESCRIPTION OF SUBJECT AREA:

The property subject to this application request consists of approximately +/- 4.0 net acres of land located in Section 01, Township 55, Range 39, in unincorporated Miami-Dade County, Florida. This subject area is situated on the northeast corner of SW 127 Avenue and SW 104 Street and is more specifically described in Exhibit "A" to this application (the "Property"). The Property is bordered by 1 acre estate residential to the East and an FPL high tension wire easement on the Western portion of the property.



APPENDIX C

Miami-Dade County Public Schools Analysis



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Chief Facilities Officer
Rose Diamond

Planning Officer
Ana Rijo-Conde, AICP

July 10, 2006

Miami-Dade County School Board

Agustin J. Barrera, Chair

Perla Tabares Hantman, Vice Chair

Frank J. Bolaños

Evelyn Langlieb Greer

Dr. Robert B. Ingram

Dr. Martin Karp

Ana Rivas Logan

Dr. Marta Pérez

Dr. Solomon C. Stinson

Ms. Diane O'Quinn-Williams, Director
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RECEIVED
JUL 12 2006

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

**Re: Land Use Amendments
April 2006 Cycle
(Applications No. 1-16)**

RECEIVED
JUL 19 2006

Dear Ms. O'Quinn-Williams:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced applications. Please note that land use amendments 6, 10 and 16 will not generate additional student impact to the District; and the schools impacted by land use amendments 2 and 3 do not meet the review threshold. However, land use amendments proposed in applications 1, 4, 5, 7, 8, 9, 11, 12, 13, 14 and 15 will generate an additional student impact to the District (see attached analyses).

Please note that some of the impacted school facilities for Amendments 1, 4, 5, 7, 8, 9, 11, 12, 13, 14 and 15 meet the referenced review threshold. As such, it is our recommendation that dialogue between the District and the applicants take place as it relates specifically to public schools in the affected area that meet the review threshold. The District will keep the County apprised if such dialogue takes place with respective applicants.

Ms. Diane O'Quinn-Williams
July 10, 2006
Page Two

Also, attached is a list of approved Charter School Facilities which may provide relief on a countywide basis.

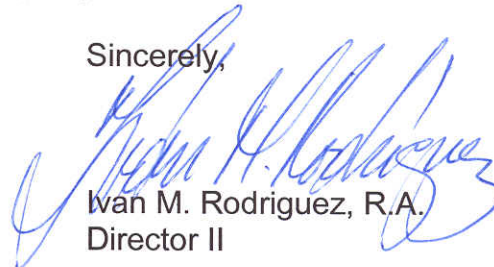
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance, the proposed developments, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) +
\$600.00 (Base Fee) + 2% administrative fee = Educational Facilities
Impact fee

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending land use amendment applications. Rather it is an attempt to provide relevant information to the Planning Advisory Board, Community Councils and Miami-Dade County Board of County Commissioners on public schools that will likely serve the proposed developments and meet the referenced threshold.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L001
Attachments

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Ms. Vivian Villaamil
Ms. Patricia Good
Ms. Helen Brown

SCHOOL IMPACT REVIEW ANALYSIS

July 5, 2006

APPLICATION: No. 8, Vanguardian Village LLP

REQUEST: Change Land Use from Estate Density Residential (1 to 2.5 DU/acre) to Medium-High Density Residential (25 to 60 DU/acre)

ACRES: ± 5.37 acres

LOCATION: Approximately NE corner of SW 127 Avenue and SW 104 Street

**MSA/
MULTIPLIER:** 6.2 / .65 Single-Family (SF) Detached and .28 Multifamily

NUMBER OF UNITS:	309 additional units	Proposed Land Use 322 Multifamily	Existing Land Use 13 SF Detached
ESTIMATED STUDENT POPULATION:	82	90 students	8 students
ELEMENTARY:	39		
MIDDLE:	18		
SENIOR HIGH:	25		

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Calusa Elementary – 9580 Calusa Club Dr. W.

MIDDLE: Arvida Middle – 10900 SW 127 Avenue

SENIOR: Miami Sunset Senior High – 13125 SW 72 Street

All schools are located in Regional Center V and VI.

*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	CUMULATIVE STUDENTS**
Calusa Elementary	789	792	100%	0	100%	828
	828 *		105%		105%	
Arvida Middle	1,797	1,118	161%	79	150%	1,877
	1,815 *		162%		152%	
Miami Sunset Senior High	3,311	2,522	131%	190	122%	3,246
	3,336 *		132%		123%	

*Student population increase as a result of the proposed development

**Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, Arvida Middle and Miami Sunset Senior High schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005)

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
K-8 Conversion Devon Aire Elementary (Arvida Middle School relief) (783 student stations)	Design	2007 School Opening
State School CC-2 (Arvida/Glades Middle schools relief) (1,241 student stations)	Planning	2009 School Opening
State School HHH-1 (Varela / Sunset / Southridge Senior High schools relief) (2,858 student stations)	Planning	2010 School Opening

Proposed Relief Schools

<u>School</u>	<u>Funding year</u>
N/A	

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	792
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	3,142
Estimated Permanent Senior High Seats (Current and Proposed in 5-Year Plan)	5,380

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: Accounting to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$537,018.

CAPITAL COSTS: Based on the State's July 2006 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet review threshold			
MIDDLE	18	x	19,528	= \$351,504
SENIOR HIGH	25	x	25,366	= \$634,150
Total Potential Capital Cost				\$985,654

*Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

APPENDIX D

Applicant's Traffic Study

Not required for a small-scale amendment

APPENDIX E

Fiscal Impact Analysis

FISCAL IMPACTS ON INFRASTRUCTURE AND SERVICES

On October 23, 2001, the Board of County Commissioners adopted Ordinance 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 8 to amend the Comprehensive Development Master Plan (CDMP) from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants; federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates

Solid Waste Services

Concurrency

Since the DSWM assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency' – that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds that standard by nearly four (4) years.

Residential Collection and Disposal Service

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$399 per residential unit. For a residential dumpster, the current fee is \$308. The average residential unit currently generates approximately 3.0 tons of waste annually, which includes garbage, trash and recycled waste.

As reported in March 2005 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2004, the full cost per unit of providing waste Collection Service was \$370 including disposal and other Collections services such as, illegal dumping clean-up and code enforcement.

Waste Disposal Capacity and Service

The incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities are paid for by the users. The DSWM charges a disposal tipping fee at a contract rate of \$53.65 per ton to DSWM Collections and to those private haulers and municipalities with long term disposal agreements with the Department. For non-contract haulers, the rate is \$70.75. These rates adjust annually with the Consumer Price Index, South. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is targeted to ensure capacity in operations. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail and wholesale customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. Assuming Application No. 8 is built at the maximum residential density of 60 dwelling units per gross acre (the use allowed under the proposed redesignation of Medium-High Density Residential that would generate the greatest water and sewer demand), the fees paid by the developer would be \$89,516 for water impact fee, \$36,640 for sewer impact fee, \$1,300 per unit for connection fee, and \$51,723 for annual operating and maintenance costs based on approved figures through September 30, 2005.

Flood Protection

The Department of Environmental Resources Management (DERM) is restricted to the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible of providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development.

The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize

the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

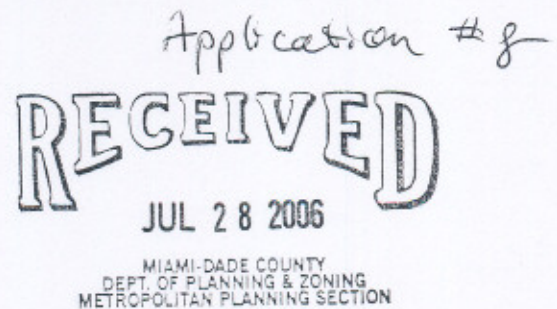
Public Schools

Application proffered a covenant restricting use to senior housing development. Thus no school impact should occur.

APPENDIX F

Proposed Declaration of Restrictions

This instrument was prepared by:
Name: Felix M. Lasarte, Esq.
Address: Holland & Knight, LLP.
701 Brickell Avenue, Suite 3000
Miami, Florida 33131



BY _____

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Vanguardian Village, LLP., a Florida Limited Liability Partnership (the "Owner"), holds the fee simple title to that certain parcel of land located in Miami-Dade County, which is legally described as follows:

See Exhibit "A"

Hereinafter the "Property."

NOW, THEREFORE, in order to assure the County that the representations made by the Owner during its consideration of the Public Hearings for the Amendment to the Comprehensive Master Plan (the "Application") will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Restricted Uses:** The Owner agrees to restrict the use of the Property for the sole purpose of providing an affordable senior housing development for elderly residents.
- (2) **Height Limitation:** The Owner agrees to limit the height of the building to no more than four (4) stories in height.
- (3) **Miscellaneous:**
 - A. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

[L:\forms\Vanguardian_Declaration_of_Restrictions[2]

Section-Township-Range: Section 01 -Township 55 – Range 39
Folio number: 30-5901-000-0070 & 30-5901-000-0120

(Public Hearing)

- B. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
- C. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- D. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.
- Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- E. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining

to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

- F. **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.
- G. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- H. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- I. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion
- J. **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the

Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

- K. **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
- L. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 27th day of July, 2006.

WITNESSES:

[Signature]
Signature
Edward A. Hernandez Benitez

Printed Name

Robert Gestido
Signature

ROBERT GESTIDO

Printed Name

VANGUARDIAN VILLAGE, LLP.,
a Florida Limited Liability Partnership

By: *[Signature]*
Sergio Delgado, Managing Partner

3925418_v1

APPENDIX G

Photos of Application Site and Surroundings



View looking northeast towards the site on SW 127 Avenue.

